

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Vincent D. McElroy,	)	Civil Action No.: 4:15-381-BHH
	)	
Plaintiff,	)	
vs.	)	
	)	<b><u>OPINION AND ORDER</u></b>
QHG of South Carolina, Inc., d/b/a	)	
Carolinas Hospital System,	)	
	)	
Defendants.	)	
_____	)	

The plaintiff Vincent D. McElroy (“the plaintiff”) brought this action against the defendant QHG of South Carolina Inc., d/b/a Carolinas Hospital System (“the defendant”). The defendant removed this action to this court on January 27, 2015. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge Kaymani D. West for pretrial handling and a Report and Recommendation. Magistrate Judge West recommends that the plaintiff’s motion to remand (ECF No. 9) be granted and this action be remanded to the Court of Common Pleas for Florence County, South Carolina, for disposition. The Report and Recommendation sets forth in detail the relevant facts and standards of law and the Court incorporates them without recitation.

The magistrate judge makes only a recommendation to the court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261, 270–71, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation (the “Report”) to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or

recommit the matter with instructions. 28 U.S.C. § 636(b)(1). However, the court need not conduct a *de novo* review when a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). In the absence of a timely filed, specific objection, the Magistrate Judge's conclusions are reviewed only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

The Magistrate Judge has recommended that the plaintiff's motion to remand (ECF No. 9) be granted. The defendant has not filed objections to the Report and Recommendation, and the time for doing so expired on July 20, 2015.

### **CONCLUSION**

Having conducted a *de novo* review of the Report and the record, the Court agrees with the Magistrate Judge and adopts and incorporates by specific reference the Magistrate Judge's Report and Recommendation.

IT IS ORDERED, therefore, that the plaintiff's motion to remand (ECF No. 9) is GRANTED and this action is remanded to the Court of Common Pleas, Florence County, South Carolina, for disposition. The Clerk of this Court is directed to forward the file along with a certified copy of this order to the Clerk of Court for Florence County.

**IT IS SO ORDERED.**

/s/Bruce Howe Hendricks  
United States District Judge

August 11, 2015  
Greenville, South Carolina